

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESSE WARD,

Plaintiff,

-against-

MUSICLIFE ENTERTAINMENT
GROUP, LLC, and
GENTLES CERATIVE GROUP, INC.,

Defendants.

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DOC #:
DATE FILED: 09/22/2020

1:18-cv-08457-MKV

DEFAULT JUDGMENT

MARY KAY VYSKOCIL, United States District Judge:

WHEREAS, Plaintiff Jesse Ward filed the Complaint on December 11, 2019 [ECF No. 1], and an Amended Complaint on December 5, 2018 [ECF No. 12]. On December 14, 2018, Defendant Gentles Creative Croup, Inc. was served with a copy of the Summons and Amended Complaint, and proof of such service was filed on January 5, 2019 [ECF No. 17]. On January 7, 2019, Defendant MusicLife Entertainment Group, LLC was served with a copy of the Summons and Amended Complaint, and proof of such service was filed on January 7, 2019 [ECF No. 18]. Defendants failed to answer the Amended Complaint, and the time for answering the Amended Complaint expired. Thus, on February 21, 2019, the Clerk of Court issued the Certificate of Default as to both Defendants [ECF No. 26]. Plaintiff moved for entry of default judgment on May 21, 2020 [ECF No. 30]. In support of the Motion, Plaintiff filed a Declaration of Richard Liebowitz, a Statement of Damages, and a Proposed Default Judgment [ECF Nos. 32–34]. Plaintiff filed proof of service of the Motion and the supporting documents on Defendants on May 22, 2020 [ECF No. 35–36]. On August 24, 2020, the Court issued an Order directing Plaintiff to submit an affidavit and documentation in support of all damages claimed and to serve both Defendants with a copy of these items and the Order [ECF No. 38]. On September 8, Plaintiff

filed the affidavit and documentation in support of damages [ECF No. 39] and proof of service [ECF No. 40]. Defendants failed to file any opposition to entry of a default judgment. On September 22, 2020, the Court held a Default Judgment Hearing. Counsel for Plaintiff appeared, but no one appeared on behalf of Defendants.

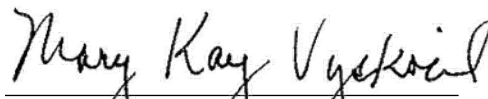
ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Default Judgment is GRANTED.

1. Default judgment as to liability for copyright infringement under 17 U.S.C. § 501 is entered in favor of Plaintiff against Defendants Gentles Creative Group, Inc. and MusicLife Entertainment Group, LLC.
2. Judgment shall be entered in favor of Plaintiff and against Defendants Gentles Creative Group, Inc. and MusicLife Entertainment Group, LLC, jointly and severally, as follows:
 - a. \$2,600.00 in actual damages, consisting of \$1,300.00 in lost licensing fees and \$1,300.00 in Defendants' ill-gotten gains, under 17 U.S.C. § 504(b) for copyright infringement;
 - b. \$10,000.00 in statutory damages under 17 U.S.C. § 1203(c)(3)(B) for removal and/or alteration of copyright management information;
 - c. \$1,487.50 in attorneys' fees and \$440.00 in costs under 17 U.S.C. § 1203(b)(5); and
 - d. post-judgment interest under 28 U.S.C. § 1961.

The Clerk of Court is respectfully requested to close this case.

SO ORDERED.

Dated: September 22, 2020
New York, New York


Hon. Mary Kay Vyskocil
United States District Judge